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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,490	12/23/1999	Ravi Ganesan	3350-19E	7474

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 04/08/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/471,490

Applicant(s)

GANESAN ET AL.

Examiner

Minh Dieu Nguyen

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-38 and 43-49 is/are allowed.
- 6) ☒ Claim(s) 39, 40 and 42 is/are rejected.
- 7) ☒ Claim(s) 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

1. The remarks have been carefully considered with the following effect:
  - a) Claims 1-38 and 43-49 are allowable.
  - b) Claims 39, 40 and 42 are rejected.
  - c) Claim 41 is objected.

***Allowable Subject Matter***

2. Claim 41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 39-40 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Powar, (6,285,991).

a) As to claim 39, Powar discloses in practice sender encrypts the message, which reads on a first component, with the session key used in a symmetric encryption algorithm; encrypts the session key, which reads on a second component, with the recipients public key and sends both to the recipient (col. 4, lines 11-19).

b) As to claim 40, Powar discloses the session key is the symmetric crypto key associated with a first entity, which reads on a sender (col. 4, lines 15-16), and the recipients public key is the non-symmetric crypto key associated with a second entity, i.e. a recipient (col. 4, lines 18-19).

c) As to claim 42, Powar discloses the non symmetric crypto key is a private crypto key of a joint private public crypto key pair associated with the second entity, as also well known in the cryptography community (col. 3, lines 39-45).

### ***Response to Arguments***

5. Applicant's arguments filed January 15, 2004 have been fully considered but they are not persuasive.

Applicant argues that:

"Regarding independent claim 39, examiner does not specifically address any limitations of the claim."

Examiner adds and maintains that:

Powar discloses in practice sender encrypts the message, which reads on a first component, with the session key used in a symmetric encryption algorithm; encrypts the session key, which reads on a second component, with the recipients public key and sends both to the recipient (col. 4, lines 11-19).

Powar discloses the session key is the symmetric crypto key associated with a first entity, which reads on a sender (col. 4, lines 15-16), and the recipients public key is the non-symmetric crypto key associated with a second entity, i.e. a recipient (col. 4, lines 18-19).

Powar discloses the non symmetric crypto key is a private crypto key of a joint private public crypto key pair associated with the second entity, as also well known in the cryptography community (col. 3, lines 39-45).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) System and Method for Providing Trusted Brokering Services Over A Distributed Network, Teper et al., 5,815,665.

- b) System, Method and Article of Manufacture For Secure Network  
Electronic Payment and Credit Collection, Rowney et al., 5,987,140.
- c) Cryptography and Network Security, Principles and Practice, William  
Stallings, 1998, Prentice-Hall Inc., second edition, pages 359-360.
- d) Hush Communications, Hush Encryption Engine White Paper, version 2.0,  
July 2001.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 703-305-9727. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*mon*  
Minh Dieu Nguyen  
Examiner  
Art Unit 2137

mdn  
4/1/04

*[Signature]*  
GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100